

Remarks

In response to the Office Action dated January 17, 2007, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Interview Summary

An informal telephone interview was held on March 8 between Applicants' representative Arno Naeckel and Examiner Betit. During the conversation it was clarified that the Examiner was equating first database recited in the claims to the "Wallet" database of the Williams reference and the second database recited in the claims to the merchant database as described in the Lefkowitz reference. It was also noted that the Examiner was equating the "owner" of a purchasing card to the issuing bank of a credit card and not the holder or the authorized user of the card.

Claim Objections

Claim 20 is objected to due to typographical errors noted by the Examiner. Claims 21 and 24 are objected to as they share the typographical of independent claim 20. Independent claim 20 has been amended to correct the noted typographical errors and therefore the claim objections against claims 20, 21 and 24 may be removed.

Claim Rejections - 35 U.S.C. §112

Claims 1 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 4-9 and 12-13 depend from independent claim 1 and share its limitations.

With respect to claim 1, the claim has been amended to specify how values may be stored if they are never obtained. Claim 1 recites, in pertinent part, "prompting the user to enter one or more additional data values via one or more corresponding input fields of the first graphical user interface, wherein the user has an option to input the one or more additional data values and if the user chooses not to enter one or more of the one or more additional data values then accepting a null value for the one or more additional data values not entered". Based on the foregoing, amended claim 1 is now definite and the rejection of amended independent claim 1

may be withdrawn. Claims 4-9 and 12 depend from amended claim 1 and thus the rejection of these claims should also be withdrawn for at least the same reasons.

With respect to claim 13, claim 13 has also been objected to under 35 U.S.C. §112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. Amended claim 13 recites in pertinent part "... providing the user the option for selectively not storing one or more of the first data value, the second data value, the third data value, and the fourth data value in the second database". Based on the foregoing, amended claim 13 now clarifies where the data values are selectively being sent. As such, the rejection of this claim may now be withdrawn.

103 Rejections

Claims 1, 4-9 and 12-13 stand rejected under 35 USC §103(a) as being unpatentable over Williams (US Pat. 5,815,657) in view of Lefkowitz (US Pat. App. 2001/0037250) in further view of Examiner's Official Notice. Claims 20-21, 24 and 41 stand rejected under 35 USC §103(a) as being unpatentable over Williams in view of Lefkowitz. In paragraph 8 of the Office Action, it is stated that claims 20-21, 24 and 41 are also rejected further in view of Examiner's Official Notice. However, the subsequent discussion in the Office Action of the rejection does not include any Official Notice. As such, Applicants respectfully assume that use of Official Notice as applied to claims 20-21, 24 and 41 is a typographical error and address claims 20-21, 24 and 41 accordingly.

Claims 1, 4-9, 12-13, 20-21, 24 and 41

The Office Action rejects independent claim 1 by asserting that Williams describes most of the claim elements but concedes that Williams does not describe:

- (a) storing the first data value, the second data value and the one or more additional data values in a second database such that the first data value, the second data value and the one or more additional data values are contained within the second database concurrently and persistently, the second database being different from the first database;
- (b) validating at least one of the first data value, the second data value and the one or more additional data values stored in the second database when a user, who is not an

- owner of a purchasing card, enters purchasing card information comprising the at least one of the first data value, the second data value and the one or more additional data values to make a purchase via the online purchasing system, wherein validating the at least one of the first data value, the second data value and the one or more additional data values comprises sending an electronic communication to the owner of the purchasing card to determine whether the user, who is not an owner of the purchasing card, is authorized to use the purchasing card;
- (c) determining a first type of a web browser being utilized by a user computer that is accessing a first database; and
 - (d) sending a web page to the user computer that is in a format that is compatible with the web browser being utilized by the user computer.

The Office Action proceeds by asserting that Lefkowitz cures deficiencies (a) and (b) above but not (c) and (d) and then asserts Official Notice cures deficiencies (c) and (d) above as being obvious to one of ordinary skill in the art. Applicants respectfully traverse the rejections.

Applicants respectfully assert that the Office Action has failed to establish a prima facie case of obviousness as there is no motivation to modify Williams in view of Lefkowitz because Lefkowitz appears to teach away from the claim elements. MPEP 2143. In its rejection, the Office Action is equating the customer's "Wallet" database **158** from Williams to the recited first database and is equating the merchant database/server **200** in Lefkowitz to the recited second database. The Office Action appears to be asserting that the address information drawn from the customer's Wallet database **158** is then stored in one of the three merchant databases described in Lefkowitz.

In paragraph 0046, cited by the Office Action to cure deficiency (a) of Williams, Lefkowitz describes three distinct databases (inventory database **210**, customer database **214** and flight schedule database **212**) that reside in the merchant server **200**. Lefkowitz further describes that the flight schedule database **212** and the inventory database **210** may only be accessed by the merchant and that the customer database **214** may be accessed by both the merchant and the customer but the customer may not modify the information. Therefore, by necessary implication, the customer can not save any information (including address information from the Wallet database) to any of the three merchant databases **210**, **212** or **214**. As such, regardless of which of the above databases within the merchant server **200** is equated by the Office Action to the

recited second database, the portion of Lefkowitz relied upon by the Office Action is teaching away from storing the first data value, the second data value and the one or more additional data values in a second database such that the first data value, the second data value and the one or more additional data values are contained within the second database concurrently and persistently, the second database being different from the first database. In fact, it appears to be impossible for a customer computer to save any information from a first database into any of the three merchant databases (i.e. second database) described in Lefkowitz. Because, Lefkowitz appears to teach away from the claim elements, independent claim 1 is allowable over the combination of Williams and Lefkowitz for at least this reason. Amended independent claims 20 and 41 recite similar subject matter and are allowable over the combination of Williams and Lefkowitz for at least the same reasons.

Further, the combination of Williams and Lefkowitz fails to describe each and every claim element. As discussed above concerning deficiency (b), Williams fails to describe sending an electronic communication to the owner of the purchasing card to determine whether the user, who is not an owner of the purchasing card, is authorized to use the purchasing card. Applicants agree.

Amended independent claim 1 recites, in pertinent part:

“validating at least one of the first data value, the second data value and the one or more additional data values stored in the second database when a user, who is not an authorized user of a purchasing card, enters purchasing card information comprising the at least one of the first data value, the second data value and the one or more additional data values to make a purchase via the online purchasing system, wherein validating the at least one of the first data value, the second data value and the one or more additional data values comprises sending an electronic communication to the authorized user of the purchasing card to determine whether the user, who is not an authorized user of the purchasing card, is authorized to use the purchasing card”.

The Office Action relies on paragraph 0055 of Lefkowitz to cure deficiency (b) of Williams. The Applicants respectfully point out that the cited portion of Lefkowitz merely describes that the merchant server **200** communicates with the credit card server **700** to verify and charge the customer's credit card while the customer remains waiting online for instant verification that their order has been accepted by the credit card issuer. Lefkowitz does not describe validating when a user, *who is not an authorized user* of a purchasing card, enters purchasing card information...[by] sending an electronic communication to the authorized holder of the purchasing card to determine whether the user, who is not an authorized holder of the

purchasing card, is authorized to use the purchasing card. A purchasing card issuer/bank is not the authorized user on the card.

However, to the extent that a card owner may be construed as being the card “issuer”, independent claim 1 has been amended to clarify that an electronic communication is made to the authorized user of the purchasing card to determine whether the user, who is not an authorized user of the purchasing card, is authorized to use the purchasing card. As such, Applicants respectfully assert that Lefkowitz fails to describe each and every claim element of amended independent claim 1 relied upon by Office Action.

Because Lefkowitz fails to describe sending an electronic communication to the authorized user of the purchasing card to determine whether the user, who is not an authorized user of the purchasing card, is authorized to use the purchasing card, Lefkowitz fails to cure deficiency (b). Since neither Williams nor Lefkowitz describes each and every claim limitation, independent claim 1 is allowable over the combination of Williams and Lefkowitz for at least this additional reason. Amended 20 and 41 recite similar subject matter and, as such, are allowable over the combination of Williams and Lefkowitz for at least the same reason. Dependent claims 4-9, 12-13, 21 and 24 depend from an allowable independent claim 1 or 20 and are allowable for at least the same reasons.

Furthermore, Applicants respectfully note that the use of undocumented official notice is improper in regards to deficiencies (c) and (d). Circumstances justifying the use of undocumented official notice should be rare where an application is under final rejection and the facts asserted are capable of instant and unquestionable demonstration as being well known. (MPEP 2144.02).

This is a non-final rejection. Applicants assert that (c) determining a first type of a web browser being utilized by a user computer that is accessing a first database and (d) sending a web page to the user computer that is in a format that is compatible with the web browser being utilized by the user computer is not capable of instant and unquestionable demonstration as being well known. Therefore, the standard for proper use of official notice has not been met, and the Applicants respectfully demand that a written reference be provided. (MPEP 2144.03(C)). As the Office Action concedes that the combination of Williams and Lefkowitz does not describe conceded deficiencies (c) and (d) and the official notice is improper, the combination of

Williams and Lefkowitz fail to describe all of the claim elements and Amended independent claim 1 is allowable for at least this additional reason.

Although paragraph 8 of the Office Action states that official notice is also being asserted against claims 20, 21, 24 and 41 the Office Action fails to articulate any such official notice. As such, Applicants are unable to address any official notice in regards to claims 20, 21, 24 and 41. However, to the extent that the same official notice was intended to be asserted against amended independent claims 20 and 41, Applicant's respectfully reassert that undocumented official notice fails to meet the standard of instant and unquestionable demonstration as being well known and is also improper. Therefore, Amended independent claims 20 and 41 are allowable over the combination of Williams and Lefkowitz. Dependent claims 21 and 24 depend from an allowable amended independent claim 20 and allowable for at least the same reasons.

Further still, amended independent claim 41 recites additional subject matter not described in Williams, Lefkowitz or their combination. Specifically, the combination of Williams and Lefkowitz does not describe that if the user is not authorized to use the purchasing card then providing an option to the user to bill to an entity's general ledger, to provide a personal charge card number or terminate the transaction nor does it describe validating at least one of the first set of data values, the second set of data values and the one or more additional data values stored in the second database for a valid shipping address wherein validating the at least one of the first set of data values, the second set of data values and the one or more additional data values includes comparing the first set of data values, the second set of data values and the one or more additional data values stored in the second database to a list of employee home addresses, a list of prohibited addresses and a list of approved addresses. Support for these amendments can be found in paragraphs [0052] and [0055-0057] of the specification. Because independent claim 41 recites subject matter not described by the combination of Williams and Lefkowitz, amended independent claim 41 is allowable over the combination of Williams and Lefkowitz for at least this additional reason.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the instant application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition

for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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/Arno Naeckel/

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